

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USDC Docket Number : 05-cv-10192

United States of America

v.

One Star Class Sloop Sailboat Built in 1930 With Hull Number 721 Named "Flash II"

CLERK'S CERTIFICATE

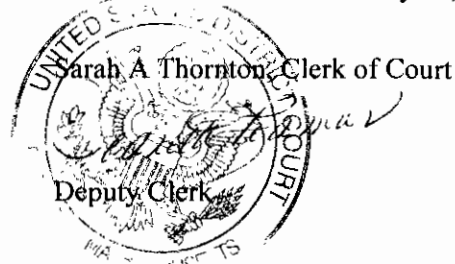
I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered: 1-77, 79-93 & exhibit B CD

No Sealed Documents

and contained in I & II Volume(s) are the original or electronically filed pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 12/21/2007.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on January 23, 2008.

By:



Receipt of the documents in the above entitled case is hereby acknowledged this date: 1/23/08.

J. Barckow
Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL, CLOSED, REMAND

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:05-cv-10192-WGY**

USA v. One Star Class Sloop Sailboat Built in 1990 with
Hull Number Named Flash II
Assigned to: Judge William G. Young
Case in other court: First Circuit, 06-01089
Cause: 21:881 Forfeiture Property-Drugs

Date Filed: 02/01/2005
Date Terminated: 01/15/2008
Jury Demand: Defendant
Nature of Suit: 620 Forfeit/Penalty:
Food and Drug
Jurisdiction: U.S. Government Plaintiff

Plaintiff

USA

represented by **Nancy Rue**
United States Attorney's Office
John Joseph Moakley Federal
Courthouse
1 Courthouse Way
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Boston, MA 02210
617-748-3260
Fax: 617-748-3967
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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LEAD ATTORNEY
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V.

Defendant

**One Star Class Sloop Sailboat Built
in 1990 with Hull Number Named
Flash II**

Claimant

Harry E. Crosby






represented by **J. Thomas Kerner**
 343 Commercial Street
 Unit 104
 Boston, MA 02109
 617-720-5509
 Fax: 617-720-0707
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Claimant

Kerry Scott Lane, M.D.

represented by **Brenda Grantland**
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Eric B. Goldberg
 Seegel Lipshutz & Wilchins, P.C.
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/01/2005	 <u>1</u>	COMPLAINT against One Star Class Sloop Sailboat Built in 1990 with Hull Number Named Flash II Filing fee: \$ 150, receipt number na, filed by USA. (Attachments: # <u>1</u>)(Johnson, Jay) (Entered: 02/03/2005)
02/01/2005		If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Alexander. (Johnson, Jay) (Entered: 02/03/2005)
02/04/2005	 <u>2</u>	WARRANT AND MONITION issued (Urso, Lisa) (Entered: 02/04/2005)
02/28/2005	 <u>4</u>	VERIFIED CLAIM by Harry E. Crosby, (Johnson, Jay) (Entered: 03/01/2005)
03/01/2005	 <u>3</u>	ANSWER to Complaint with Jury Demand by Harry E. Crosby.(Johnson,

		Jay) (Entered: 03/01/2005)
03/04/2005	<u>5</u>	US Marshal Process Receipt and Return for Complaint and Warrant & Monition. Ralph Anderson served Delivered on 2/14/05 (Johnson, Jay) (Entered: 03/07/2005)
03/04/2005	<u>6</u>	US Marshal Process Receipt and Return for Complaint and Warrant & Monition. Gregory Olaf Anderson served Delivered on 2/18/05 (Johnson, Jay) (Entered: 03/07/2005)
03/04/2005	<u>7</u>	US Marshal Process Receipt and Return for Complaint and Warrant & Monition. J. Thomas Kerner served Delivered on 2/14/05 (Johnson, Jay) (Entered: 03/07/2005)
03/04/2005	<u>8</u>	US Marshal Process Receipt and Return for Complaint and Warrant & Monition. One Star Class Sloop Sailboat Built in 1930 w/ Hull Number 721 Named Flash 2 served Delivered on In USMS Custody (Johnson, Jay) (Entered: 03/07/2005)
03/14/2005	<u>9</u>	NOTICE of Scheduling Conference Scheduling Conference set for 4/19/2005 02:00 PM in Courtroom 12 before Judge Rya W. Zobel. (Urso, Lisa) (Entered: 03/14/2005)
04/18/2005	<u>10</u>	JOINT STATEMENT re scheduling conference <i>pursuant to Local Rule 16.1</i> . (Wright, Shelby) (Entered: 04/18/2005)
04/19/2005	<u>11</u>	Electronic Clerk's Notes for proceedings held before Judge Rya W. Zobel : Scheduling Conference held on 4/19/2005. within a month for motion for default judgment; enter judgment of forfeiture (Urso, Lisa) (Entered: 04/21/2005)
05/04/2005	<u>12</u>	MOTION for Entry of Default by USA.(Johnson, Jay) (Entered: 05/05/2005)
05/04/2005	<u>13</u>	AFFIDAVIT in Support re <u>11</u> MOTION for Entry of Default. (Johnson, Jay) (Entered: 05/05/2005)
05/31/2005	<u>14</u>	Judge Rya W. Zobel : endorsedORDER entered granting <u>11</u> Motion for Entry of Default (Urso, Lisa) (Entered: 06/03/2005)
06/03/2005	<u>15</u>	NOTICE: Clerk's ENTRY OF DEFAULT as to One Star Class Sloop Sailboat Built in 1990 with Hull Number Named Flash II, Gregory Anderson and Ralph Anderson (Urso, Lisa) (Entered: 06/03/2005)
06/20/2005	<u>16</u>	MOTION for Judgment of Forfeiture by Harry E. Crosby, USA, One Star Class Sloop Sailboat Built in 1990 with Hull Number Named Flash II. (Attachments: # <u>1</u> Judgment and Order of Forfeiture)(Johnson, Jay) (Entered: 06/21/2005)
07/15/2005	<u>17</u>	Judge Rya W. Zobel : JUDGMENT and ORDER of FORFEITURE entered. re <u>16</u> MOTION for Judgment of Forfeiture filed by USA,, One Star Class Sloop Sailboat Built in 1990 with Hull Number Named Flash II,, Harry E. Crosby, (Johnson, Jay) (Entered: 07/19/2005)
07/27/2005	<u>18</u>	MOTION to Set Aside Forfeiture <i>and for Leave to File Verified</i>

		<i>Statement and Answer</i> by Kerry Scott Lane, M.D..(Goldberg, Eric) (Entered: 07/27/2005)
07/27/2005	<u>17</u>	MEMORANDUM in Support re <u>16</u> MOTION to Set Aside Forfeiture <i>and for Leave to File Verified Statement and Answer</i> filed by Kerry Scott Lane, M.D.. (Attachments: # <u>1</u> Affidavit of Kerry Scott Lane, M.D.# <u>2</u> Exhibit 1-5)(Goldberg, Eric) (Entered: 07/27/2005)
08/10/2005	<u>18</u>	Opposition re <u>16</u> MOTION to Set Aside Forfeiture <i>and for Leave to File Verified Statement and Answer</i> filed by USA. (Wright, Shelby) (Entered: 08/10/2005)
08/16/2005	<u>19</u>	Judge Rya W. Zobel : endorsedORDER entered denying <u>16</u> Motion to Set Aside Forfeiture. Because claimant admittedly knew of the seizure and deliberately declined to disclose his interest, none of the grounds for vacating a judgment under Rule 60(b) apply. The motion is denied. (Urso, Lisa) (Entered: 08/18/2005)
08/29/2005	<u>19</u>	MOTION to Alter Judgment by Kerry Scott Lane, M.D..(Goldberg, Eric) (Entered: 08/29/2005)
08/29/2005	<u>20</u>	MEMORANDUM in Support re <u>19</u> MOTION to Alter Judgment <i>Denying Motion to Vacate Default Judgment</i> filed by Kerry Scott Lane, M.D.. (Attachments: # <u>1</u> Verified Statement# <u>2</u> Answer# <u>3</u> Affidavit Kerry Lane, M.D.# <u>4</u> Exhibit)(Goldberg, Eric) (Entered: 08/29/2005)
08/29/2005	<u>21</u>	MOTION for Leave to Appear Pro Hac Vice by Brenda Grantland by Kerry Scott Lane, M.D.. (Attachments: # <u>1</u> Affidavit # <u>2</u> Text of Proposed Order)(Goldberg, Eric) (Entered: 08/29/2005)
09/13/2005	<u>22</u>	Opposition re <u>19</u> MOTION to Alter Judgment filed by USA. (Wright, Shelby) (Entered: 09/13/2005)
09/15/2005	<u>23</u>	MOTION for Leave to File <i>Reply to the Government's Opposition to Claimant's Rule 59(e) Motion to Alter/Amend Order Denying His Motion To Vacate Default Judgment</i> by Kerry Scott Lane, M.D.. (Attachments: # <u>1</u> Reply# <u>2</u> Exhibits A-D)(Goldberg, Eric) (Entered: 09/15/2005)
10/18/2005	<u>24</u>	Judge Rya W. Zobel : endorsedORDER entered denying <u>19</u> Motion to Alter/amend order denying his motion to vacate default Judgment (Urso, Lisa) (Entered: 10/18/2005)
11/03/2005	<u>25</u>	Judge Rya W. Zobel : ElectronicORDER entered granting <u>21</u> Motion for Leave to Appear Pro Hac Vice Added Brenda Grantland for Kerry Scott Lane, M.D. (Urso, Lisa) (Entered: 11/03/2005)
11/08/2005	<u>24</u>	NOTICE OF APPEAL by Kerry Scott Lane, M.D.. \$ 255 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 11/28/2005. (Grantland, Brenda) (Entered: 11/08/2005)
11/08/2005	<u>25</u>	First MOTION to Stay <i>Judgment Pending Appeal</i> by Kerry Scott Lane,

		M.D.. (Attachments: # <u>1</u> memorandum of points and authorities# <u>2</u> Text of Proposed Order)(Grantland, Brenda) (Entered: 11/08/2005)
11/09/2005	<u>24</u>	Notice of correction to docket made by Court staff. Correction: #24 Notice of Appeal corrected because: Unsigned Document. E-mail sent describing the fix. (Johnson, Jay) (Entered: 11/09/2005)
11/09/2005	<u>26</u>	NOTICE OF APPEAL by Kerry Scott Lane, M.D.. \$ 255 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 11/29/2005. (Grantland, Brenda) (Entered: 11/09/2005)
11/09/2005		Filing fee: \$ 255, receipt number 68137 regarding Notice of Appeal (Johnson, Jay) (Entered: 11/09/2005)
11/16/2005	<u>27</u>	Opposition by Harry E. Crosby to Dr Kerry S. Lane's Motion to stay judgment pending appeal.(Kerner, J.) Modified on 11/17/2005 (Johnson, Jay). (Entered: 11/16/2005)
11/17/2005		Documents terminated as this is an incorrect filing : <u>27</u> MOTION to Stay <i>opposition</i> filed by Harry E. Crosby,. (Johnson, Jay) Modified on 11/17/2005 (Johnson, Jay). (Entered: 11/17/2005)
11/17/2005		Judge Rya W. Zobel : endorsedORDER entered denying <u>25</u> Motion to Stay. Kerry Lane, M.D. may attempt to work out an escrow arrangement with the Government as to the amount he claims. (Urso, Lisa) (Entered: 11/18/2005)
01/03/2006	<u>28</u>	TRANSCRIPT ORDER FORM (not necessary) by Kerry Scott Lane, M.D. re <u>26</u> Notice of Appeal, (Johnson, Jay) (Entered: 01/04/2006)
01/04/2006	<u>29</u>	Certified and Transmitted Record on Appeal to US Court of Appeals re <u>26</u> Notice of Appeal, (Ramos, Jeanette) (Entered: 01/04/2006)
01/13/2006	<u>30</u>	USCA Case Number 06-1089 for <u>26</u> Notice of Appeal, filed by Kerry Scott Lane, M.D.,. (Ramos, Jeanette) (Entered: 01/13/2006)
03/03/2006	<u>31</u>	US Marshal Process Receipt and Return for Judgment and Order of Foreiture. One Star served Delivered on 2/7/06 (Johnson, Jay) (Entered: 03/06/2006)
08/18/2006	<u>32</u>	USCA Judgment as to <u>26</u> Notice of Appeal, filed by Kerry Scott Lane, M.D. This cause came on to be heard on appeal from the United States District Court for the District of Massachusetts and was argued by counsel. Upon consideration whereof, it is now here ordered, adjudged and decreed as follows: The district court's order denying the Rule 60(b) motion is vacated, and the matter is remanded for further proceedings consistent with the opinion issued this day. No costs are awarded. (Ramos, Jeanette) (Entered: 08/18/2006)
08/18/2006	<u>33</u>	OPINION of USCA (Ramos, Jeanette) (Entered: 08/18/2006)

08/22/2006		ELECTRONIC NOTICE of Hearing : Status Conference set for 9/14/2006 03:00 PM in Courtroom 12 before Judge Rya W. Zobel. (Urso, Lisa) (Entered: 08/22/2006)
09/07/2006	 34	MOTION to conduct status hearing telephonically by Kerry Scott Lane, M.D.. (Attachments: # <u>1</u> Text of Proposed Order proposed order) (Grantland, Brenda) (Entered: 09/07/2006)
09/11/2006		Judge Rya W. Zobel : Electronic ORDER entered granting <u>34</u> Motion to conduct the status by telephone. I will call all counsel at 3:00 p.m. (Urso, Lisa) (Entered: 09/11/2006)
09/14/2006		ElectronicClerk's Notes for proceedings held before Judge Rya W. Zobel : Status Conference held on 9/14/2006. Discovery to be completed by 12/8/2006. Pretrial Conference set for 12/13/2006 02:00 PM in Courtroom 12 before Judge Rya W. Zobel. (Urso, Lisa) (Entered: 09/14/2006)
10/12/2006	 35	MANDATE of USCA as to <u>26</u> Notice of Appeal, filed by Kerry Scott Lane, M.D., (Ramos, Jeanette) (Entered: 10/12/2006)
10/17/2006		Appeal Record Returned: <u>26</u> Notice of Appeal, <u>24</u> Notice of Appeal, (Ramos, Jeanette) (Entered: 10/17/2006)
11/26/2006	 36	First MOTION to Compel <i>Discovery</i> by Kerry Scott Lane, M.D.. (Attachments: # <u>1</u> Supplement Points and Authorities# <u>2</u> Exhibit interrogatory answers# <u>3</u> Exhibit meet and confer letters, email) (Grantland, Brenda) (Entered: 11/26/2006)
12/08/2006	 37	Opposition re <u>36</u> First MOTION to Compel <i>Discovery and Government's Motion to Compel</i> filed by USA. (Rue, Nancy) (Entered: 12/08/2006)
12/13/2006	 38	NOTICE of Reassignment. Judge William G. Young added. Judge Rya W. Zobel no longer assigned to case. (Urso, Lisa) (Entered: 12/13/2006)
12/13/2006		ElectronicClerk's Notes for proceedings held before Judge Rya W. Zobel : Telephone Conference held on 12/13/2006. Case to be redrawn; (Court Reporter Catherine Handel.) (Urso, Lisa) (Entered: 12/14/2006)
12/15/2006		ELECTRONIC NOTICE of Hearing : Status Conference set for 12/19/2006 09:00 AM in Courtroom 18 before Judge William G. Young. (Smith, Bonnie) (Entered: 12/15/2006)
12/15/2006	 39	Assented to MOTION telephonic hearing (<i>Dec. 19 status conference</i>) by Kerry Scott Lane, M.D..(Grantland, Brenda) (Entered: 12/15/2006)
12/18/2006		Judge William G. Young : Electronic ORDER entered granting <u>39</u> Motion for a telephone conference. The status conference via telephone will take place at 12 NOON EST in order to accomodate the California counsel. All counsel are to call Ms Smith the Courtroom Deputy Clerk with the telephone numbers at which each counsel may be reached. (Smith, Bonnie) (Entered: 12/18/2006)
12/18/2006		Set/Reset Hearings: Status Conference by TELEPHONE set for

		12/19/2006 12:00 NOON in Courtroom 18 before Judge William G. Young. (Smith, Bonnie) (Entered: 12/18/2006)
12/18/2006	<u>40</u>	NOTICE of Appearance by Nancy Rue on behalf of USA (Rue, Nancy) (Entered: 12/18/2006)
12/19/2006	<u>40</u>	ElectronicClerk's Notes for proceedings held before Judge William G. Young : AUSA Rue is present in the courtroom. Claimant's Counsel Grantland and Goldberg participate by telephone.Scheduling Conference held on 12/19/2006. The Court will hear argument on the issue of notice on Jan 31, 2007 at 2PM. The Government is to produce its materials to the court and the claimant by 1/6/07; the claimant is to respond by 1/22/07. (Court Reporter wOMACK.) (Smith, Bonnie) (Entered: 12/19/2006)
01/04/2007	<u>41</u>	STATEMENT of facts. (Attachments: # <u>1</u> Exhibit Affidavit of DEA SA Gregg Willoughby# <u>2</u> Exhibit Affidavit of Claimant Harry Crosby# <u>3</u> Exhibit Affidavit of Ralph Anderson, Marblehead Trading Co# <u>4</u> Exhibit Affidavit of Attorney Tom Kerner# <u>5</u> Exhibit Affidavit of USAO Paralegal Lisa Talbot# <u>6</u> Exhibit Kerry Lane Interrogatory Answers# <u>7</u> Exhibit Lane Answers to Requests for Admissions# <u>8</u> Exhibit UPI News Wires# <u>9</u> Exhibit USAttorney's Office Press Release# <u>10</u> Exhibit Boston Globe Feature Article)(Rue, Nancy) Additional attachment(s) added on 1/9/2007 (Paine, Matthew). (Entered: 01/04/2007)
01/05/2007	<u>42</u>	MEMORANDUM OF LAW by USA to <u>41</u> Statement of facts,,. (Rue, Nancy) (Entered: 01/05/2007)
01/05/2007	<u>42</u>	ELECTRONIC NOTICE issued requesting courtesy copy for <u>42</u> Memorandum of Law, <u>41</u> Statement of facts,,. Counsel who filed this document are requested to submit a courtesy copy of this document (or documents) to the Clerk's Office by. These documents must be clearly marked as a Courtesy Copy and reflect the document number assigned by CM/ECF. (Paine, Matthew) (Entered: 01/05/2007)
01/05/2007	<u>43</u>	MOTION to Quash <i>subpoena served on Harry Crosby</i> by Harry E. Crosby. (Attachments: # <u>1</u> Exhibit Subpoena and Attachment A)(Kerner, J.) (Entered: 01/05/2007)
01/08/2007	<u>43</u>	Judge William G. Young : Electronic GRANTING <u>43</u> MOTION to Quash subpoena Served on Harry Crosby. (Paine, Matthew) (Entered: 01/08/2007)
01/09/2007	<u>43</u>	Notice of correction to docket made by Court staff. Correction: <u>41</u> Statement of Facts Corrected Because: Exhibits 1-10 Were Not Filed in the Correct Order When They Were Attached to the Statement of Facts. (Paine, Matthew) (Entered: 01/09/2007)
01/23/2007	<u>44</u>	Response by Kerry Scott Lane, M.D. to <u>41</u> Statement of facts,. <i>Regarding Due Process Notice.</i> (Grantland, Brenda) (Entered: 01/23/2007)
01/23/2007	<u>45</u>	STATEMENT of facts <i>Regarding the Government's Failure to Provide Due Process Notice and the Opportunity to Be Heard.</i> (Attachments: # <u>1</u>

		Memorandum Regarding Failure to Provide Due Process Notice# 2 Exhibit List of Exhibits# 3 Exhibit Excerpts from Complaint# 4 Exhibit First Affidavit of Chuck Fitzgerald# 5 Exhibit Second Affidavit of Chuck Fitzgerald# 6 Exhibit Affidavit of Robert Harper, Esq.# 7 Exhibit First Affidavit of Kerry Scott Lane, M.D.# 8 Exhibit Second Affidavit of Kerry Scott Lane, M.D.# 9 Exhibit Third Affidavit of Kerry Scott Lane M.D.# 10 Exhibit Lane's Answers to Interrogatories# 11 Exhibit Printout of directory on Lane's computer hard drive# 12 Exhibit Excerpts from Lane's Response to US Documents Request# 13 Exhibit Excerpts from documents subpoenaed from Marblehead# 14 Exhibit Excerpts from US Answers to Interrogatories# 15 Exhibit Excerpts from US Responses to Lane's Documents Requests)(Grantland, Brenda) (Entered: 01/23/2007)
01/23/2007	●	ELECTRONIC NOTICE issued requesting courtesy copy for 45 Statement of facts,,, 44 Response. Counsel who filed this document are requested to submit a courtesy copy of this document (or documents) to the Clerk's Office by. These documents must be clearly marked as a Courtesy Copy and reflect the document number assigned by CM/ECF. (Paine, Matthew) (Entered: 01/23/2007)
01/24/2007	●46	NOTICE by Kerry Scott Lane, M.D. re 45 Statement of facts,,, <i>Notice of Errata to Statement of Facts and Memorandum</i> (Grantland, Brenda) (Entered: 01/24/2007)
01/30/2007	●47	Response by USA to 45 Statement of facts,,, <i>Alleging USAO Contact with Attorney Robert A. Harper.</i> (Attachments: # 1 Exhibit Affidavit of AUSA Shelby Wright# 2 Exhibit Affidavit of AUSA Rachel E. Hershfang# 3 Exhibit Affidavit of AUSA Peter Levitt# 4 Exhibit Affidavit of AUSA John Wortmann)(Rue, Nancy) (Entered: 01/30/2007)
01/31/2007	●	ElectronicClerk's Notes for proceedings held before Judge William G. Young : AUSA Rue and Defense counsel Grantland are present.Hearing re Re: notice held on 1/31/2007. After hearing the motion under Rule 60 (b) is ALLOWED. The Court holds a 16.1 conference and sets the case on the running trial list as of 6/4/07. Final Pretrial conference set for no sooner than 5/7/07. Parties have 3 weeks to file a joint case management proposal. (Court Reporter Womack.) (Smith, Bonnie) (Entered: 02/05/2007)
01/31/2007	●	Set/Reset Hearings: Bench Trial set for 6/4/2007 09:00 AM before Judge William G. Young. Final Pretrial Conference set for NO SOONER THAN 5/7/2007 02:00 PM before Judge William G. Young. (Smith, Bonnie) (Entered: 02/05/2007)
02/21/2007	●48	CLAIM by Kerry Scott Lane, M.D.. (Grantland, Brenda) (Entered: 02/21/2007)
02/21/2007	●49	ANSWER to Complaint with Jury Demand by Kerry Scott Lane, M.D.. (Grantland, Brenda) (Entered: 02/21/2007)
02/21/2007	●50	JOINT STATEMENT re scheduling conference. (Rue, Nancy) (Entered: 02/21/2007)

02/22/2007	<u>51</u>	Judge William G. Young : ORDER entered. re <u>50</u> JOINT STATEMENT is SO ORDERED as the Case Management Scheduling Order. DISCOVERY DUE April 13, 2007 and DISPOSITIVE MOTIONS DUE April 15, 2007. (Paine, Matthew) (Entered: 02/27/2007)
03/16/2007	<u>52</u>	Assented to MOTION for Extension of Time to March 23, 2007 to File Motion Regarding Value of Sailboat (From Original Due date of 3/20/07) by USA.(Rue, Nancy) (Entered: 03/16/2007)
03/20/2007		Judge William G. Young : Electronic ORDER entered GRANTING <u>52</u> Assented to MOTION for Extension of Time to March 23, 2007 to File Motion Regarding Value of Sailboat (From Original Due date of 3/20/07). (Paine, Matthew) (Entered: 03/20/2007)
03/22/2007	<u>53</u>	STATEMENT of facts Pursuant to LR 56.1. (Rue, Nancy) (Entered: 03/22/2007)
03/22/2007	<u>54</u>	MOTION for Summary Judgment (Partial) by USA.(Rue, Nancy) (Entered: 03/22/2007)
03/27/2007		ELECTRONIC NOTICE of Hearing on Motion <u>54</u> MOTION for Summary Judgment (Partial): Motion Hearing set for 5/3/2007 02:00 PM in Courtroom 18 before Judge William G. Young. Opposition to the motion is due by 4/5/07. Reply brief, if any, is due by 4/17/07.(Smith, Bonnie) (Entered: 03/27/2007)
04/05/2007	<u>55</u>	Opposition re <u>54</u> MOTION for Summary Judgment (Partial) filed by Kerry Scott Lane, M.D.. (Attachments: # <u>1</u> Response to Statement of Material Fact)(Grantland, Brenda) (Entered: 04/05/2007)
04/05/2007	<u>56</u>	First MOTION for Summary Judgment by Kerry Scott Lane, M.D.. (Attachments: # <u>1</u> Memorandum of Points and Authorities# <u>2</u> Statement of Undisputed Facts# <u>3</u> Exhibit Affidavit of Agent Willoughby# <u>4</u> Exhibit U.S. Supplemental Answers to Interrogatories# <u>5</u> Exhibit Guernsey appraisal# <u>6</u> Exhibit ABC news article# <u>7</u> Exhibit Boston Globe article# <u>8</u> Exhibit E-Bay listing)(Grantland, Brenda) (Entered: 04/05/2007)
04/06/2007		ELECTRONIC NOTICE of Hearing on Motion <u>56</u> First MOTION for Summary Judgment: Motion Hearing set for 5/3/2007 02:00 PM in Courtroom 18 before Judge William G. Young. Opposition is due by 4/18/07. Reply brief, if any, is due by 4/27/07. (Smith, Bonnie) (Entered: 04/06/2007)
04/10/2007	<u>57</u>	Joint MOTION for Extension of Time to 5/24/07 or Three Weeks after Court Rules on Pending Cross Motions for Judgment, to Complete Discovery by Claimant and by USA.(Rue, Nancy) (Entered: 04/10/2007)
04/11/2007		Judge William G. Young : Electronic ORDER entered granting <u>57</u> Motion for Extension of Time to Complete Discovery Discovery to be completed by 5/24/2007. The trial date will not be continued. (Smith, Bonnie) (Entered: 04/11/2007)
04/18/2007	<u>58</u>	STATEMENT of facts in Response to Claimant's CounterStatement of

		<i>Facts, Pursuant to LR 56.1.</i> (Attachments: # <u>1</u> Exhibit A: Transcript of 9/27/04 Conversation Between Anderson & CW# <u>2</u> Affidavit Declaration of Arlan Ettinger, President of Guernsey's Auction House)(Rue, Nancy) Additional attachment(s) added on 4/23/2007 (Paine, Matthew). (Entered: 04/18/2007)
04/18/2007	<u>59</u>	REPLY to Response to Motion re <u>54</u> MOTION for Summary Judgment (<i>Partial</i>), <u>56</u> First MOTION for Summary Judgment (<i>Claimant's Cross Motion</i>) filed by USA. (Rue, Nancy) (Entered: 04/18/2007)
04/27/2007	<u>60</u>	REPLY to Response to Motion re <u>56</u> First MOTION for Summary Judgment filed by Kerry Scott Lane, M.D.. (Grantland, Brenda) (Entered: 04/27/2007)
05/01/2007	<u>61</u>	First MOTION to Amend <u>49</u> Answer to Complaint to <i>Add Counterclaim</i> by Kerry Scott Lane, M.D.. (Attachments: # <u>1</u> Exhibit Amended Answer [proposed])(Grantland, Brenda) (Entered: 05/01/2007)
05/03/2007		ElectronicClerk's Notes for proceedings held before Judge William G. Young : AUSA Rue and Defendant counsel Grantland are present.Motion Hearing held on 5/3/2007 re <u>54</u> MOTION for Summary Judgment (<i>Partial</i>) filed by USA,, <u>56</u> First MOTION for Summary Judgment filed by Kerry Scott Lane, M.D.,. After hearing, the Court takes the matter UNDER ADVISEMENT. (Court Reporter Womack.) (Smith, Bonnie) (Entered: 05/04/2007)
05/04/2007	<u>62</u>	Judge William G. Young : ORDER entered. PROCEDURAL ORDER re pretrial/trial Final Pretrial Conference set for 5/24/2007 02:00 PM in Courtroom 18 before Judge William G. Young.(Smith, Bonnie) (Entered: 05/04/2007)
05/10/2007	<u>63</u>	MEMORANDUM OF LAW by USA. (Attachments: # <u>1</u> Affidavit of Mary Magno, USMS Property Specialist)(Rue, Nancy) (Entered: 05/10/2007)
05/11/2007	<u>64</u>	MEMORANDUM OF LAW by Kerry Scott Lane, M.D. to <u>63</u> Memorandum of Law. (Grantland, Brenda) (Entered: 05/11/2007)
05/17/2007	<u>65</u>	MOTION for Discovery (<i>for extension of discovery to obtain testimony of out of state witnesses</i>) by Kerry Scott Lane, M.D.. (Attachments: # <u>1</u> Exhibit Email from opposing counsel)(Grantland, Brenda) (Entered: 05/17/2007)
05/18/2007	<u>66</u>	MEMORANDUM in Opposition re <u>65</u> MOTION for Discovery (<i>for extension of discovery to obtain testimony of out of state witnesses</i>) filed by USA. (Attachments: # <u>1</u> Exhibit Email regarding cancellation of Ettinger's depo)(Rue, Nancy) (Entered: 05/18/2007)
05/18/2007		Judge William G. Young : ElectronicORDER entered DENYING <u>65</u> MOTION for Discovery (<i>for extension of discovery to obtain testimony of out of state witnesses</i>). (Paine, Matthew) (Entered: 05/18/2007)
05/21/2007	<u>67</u>	RESPONSE to Motion re <u>65</u> MOTION for Discovery (<i>for extension of discovery to obtain testimony of out of state witnesses</i>) (<i>Response to US</i>

		<i>Motion for Protective Order</i>) filed by Kerry Scott Lane, M.D.. (Grantland, Brenda) (Entered: 05/21/2007)
05/21/2007	<u>68</u>	MOTION for Clarification by Kerry Scott Lane, M.D..(Grantland, Brenda) (Entered: 05/21/2007)
05/21/2007		Judge William G. Young : Electronic ORDER entered. re <u>68</u> MOTION for Clarification filed by Kerry Scott Lane, M.D. In clarification, trial as to liability will commence on May 24, 2007 at 10:00 AM. Discovery will close on June 7, 2007 (3 weeks after May 17- the decision on the pending motion for summary judgment). Dr. Lane may, but need not, present any evidence May 24, 2007. The petitioner's evidence must be presented at a day to be set in June as the court has earlier ordered.(Smith, Bonnie) (Entered: 05/21/2007)
05/22/2007	<u>69</u>	MEMORANDUM OF LAW by Kerry Scott Lane, M.D.. (Grantland, Brenda) (Entered: 05/22/2007)
05/23/2007	<u>70</u>	MEMORANDUM OF LAW by USA to <u>69</u> Memorandum of Law. (Rue, Nancy) (Entered: 05/23/2007)
05/24/2007		Electronic Clerk's Notes for proceedings held before Judge William G. Young : AUSA Rue and Claimant counsel Grantland are present.Bench Trial Day 1 held on 5/24/2007. Govt calls witness and examines, claimant cross examines.Govt rests. Claimant calls witness . Govt cross examines. The Court hears argument. After hearing the court orders the issue of forfeitability be briefed. Briefs are due by 6/29/07. (Court Reporter Womack.) (Smith, Bonnie) . (Entered: 05/29/2007)
05/24/2007	<u>71</u>	Witness/Exhibit List by USA, Kerry Scott Lane, M.D.. (Smith, Bonnie) (Entered: 05/29/2007)
06/04/2007	<u>72</u>	TRANSCRIPT of Bench Trial Day 1 held on 5/24/07 before Judge Young. Court Reporter: Womack. The original transcripts are maintained by the Clerk's Office. Copies may be obtained by contacting the court reporter at womack@megatran.com or the Clerk's Office. (Smith, Bonnie) (Entered: 06/04/2007)
06/29/2007	<u>73</u>	First MOTION for Reconsideration of the Court's oral order granting summary judgment on sovereign immunity by Kerry Scott Lane, M.D.. (Attachments: # <u>1</u> Supplement Memorandum of Points and Authorities# <u>2</u> Exhibit Ex. 1 - Excerpt from Guide to Interlocutory Sales# <u>3</u> Exhibit Ex. 2 - Ettinger appraisal# <u>4</u> Exhibit Ex. 3 - Misc. Ettinger deposition documents# <u>5</u> Exhibit Ex. 4 - Guernsey's contract with Marshal Service# <u>6</u> Exhibit Ex. 5 - Excerpt from DOJ Asset Forfeiture Policy Manual# <u>7</u> Exhibit Ex. 6 - Unpublished order in Intrigue Trading Inc. v. U.S.# <u>8</u> Exhibit Ex. 7 - Correspondence with AUSA Rue re: discovery of policies)(Grantland, Brenda) (Entered: 06/29/2007)
06/29/2007	<u>74</u>	NOTICE by USA of Transcript and Exhibits to June 7, 2007 Deposition of Robert Augustus Harper (Rue, Nancy) (Entered: 06/29/2007)
06/29/2007	<u>75</u>	NOTICE by USA of Transcript and Exhibits to June 7, 2007 Deposition

		<i>of Arlan Ettinger</i> (Rue, Nancy) (Entered: 06/29/2007)
06/29/2007	<u>76</u>	TRIAL BRIEF by Kerry Scott Lane, M.D.. (Attachments: # <u>1</u> Exhibit Ex. 1 - Lane Documents Request Responses# <u>2</u> Exhibit Ex. 2 - Marblehead Invoices# <u>3</u> Exhibit Ex. 3 - Milo US Motion for Prelim Order of Forfeiture# <u>4</u> Exhibit Ex. 4 - Marblehead Expenses compared to Dr. Lane expenditures)(Grantland, Brenda) (Entered: 06/29/2007)
06/29/2007	<u>77</u>	TRIAL BRIEF (<i>Post Trial Memorandum</i>) by USA. (Attachments: # <u>1</u> Exhibit A -- Chart# <u>2</u> Affidavit of Les Owens, BOP)(Rue, Nancy) (Entered: 06/29/2007)
07/13/2007	<u>78</u>	TRANSCRIPT of Telephone Conference held on May 15, 2007 before Judge Young. Court Reporter: Donald E. Womack. The original transcripts are maintained by the Clerk's Office. Copies may be obtained by contacting the court reporter at womack@megatran.com or the Clerk's Office. (Scalfani, Deborah) (Entered: 07/13/2007)
07/13/2007	<u>79</u>	Opposition re <u>73</u> First MOTION for Reconsideration <i>of the Court's oral order granting summary judgment on sovereign immunity</i> filed by USA. (Attachments: # <u>1</u> Exhibit A -- Excerpt of Legislative History)(Rue, Nancy) (Entered: 07/13/2007)
07/20/2007	<u>80</u>	REPLY to Response to Motion re <u>73</u> First MOTION for Reconsideration <i>of the Court's oral order granting summary judgment on sovereign immunity</i> filed by Kerry Scott Lane, M.D.. (Attachments: # <u>1</u> Memorandum in Reply)(Grantland, Brenda) (Entered: 07/20/2007)
09/05/2007	<u>81</u>	Judge William G. Young : Electronic ORDER entered denying <u>36</u> Motion to Compel (Smith, Bonnie) (Entered: 09/05/2007)
09/24/2007	<u>82</u>	Judge William G. Young : Electronic ORDER entered. The parties have 3 weeks (Oct 15)within which to file simultaneous briefs re: the Crosby interest in the boat. The parties have 1 week thereafter (10/22) to file any reply brief.(Smith, Bonnie) (Entered: 09/24/2007)
10/01/2007	<u>81</u>	Judge William G. Young : ORDER entered. MEMORANDUM of DECISION. "Lane is entitled to recover from the government the \$100,000 received at auction after subtracting the lesser of (1) the sum paid to Crosby, or (2) the amount of Crosbys ownership share in the Flash II. A prompt evidentiary hearing will be scheduled at which the government shall bear the burden of justifying this deduction. This Court also DENIES as moot Lanes motion to amend his complaint [Doc. No. 61] to add a counterclaim under the Federal Torts Claim Act and also DENIES as moot Lanes motion for reconsideration [Doc. No. 73] of the Courts holding that the discretionary function exception bars Lanes claim that the government negligently sold the sloop for below market value." (Paine, Matthew) (Entered: 10/02/2007)
10/15/2007	<u>82</u>	MEMORANDUM OF LAW by Kerry Scott Lane, M.D. to <u>81</u> Memorandum & ORDER,,, (Attachments: # <u>1</u> Exhibit Deposition of Harry E. Crosby# <u>2</u> Exhibit Letter from Attorney Thomas Kerner# <u>3</u> Exhibit Crosby's agreement signed 12/24/1996# <u>4</u> Exhibit Dr. Lane's